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Attorneys for Defendant
COMPASS VISION, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEBORAH WILSON

Plaintiff,

vs.

COMPASS VISION, INC.; and NATIONAL
MEDICAL SERVICES, INC., d/b/a NMS LABS

Defendants.

CASE NO. C 07-03431 BZ

**COMPASS VISION, INC.'S
NOTICE OF MOTION AND
MOTION TO DISMISS FOR
FAILURE TO STATE A CLAIM
UPON WHICH RELIEF CAN BE
GRANTED**

[Fed. R Civ. P. 12(b)(6)]

Date: August 15, 2007
Time: 10:00 a.m.
Crtrm: G
Judge: Hon. Bernard Zimmerman

TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on August 15, 2007 at 10:00 a.m. or as soon thereafter as the matter may be heard in the above-entitled court, Courtroom G, located at 450 Golden Gate Avenue, San Francisco, California, Defendant Compass Vision, Inc. ("Compass Vision") will move the court to dismiss Plaintiff Deborah Wilson's action, with prejudice, pursuant to Federal Rules of Civil Procedure, Rule 12(b)(6) on the grounds that Plaintiff's Complaint fails to state a claim upon which relief can be granted.

1 This motion will be based on this Notice of Motion and Motion, the Memorandum of
2 Points and Authorities filed herewith, the pleadings and papers filed herein, and upon such other
3 oral and documentary evidence as may be presented at the hearing of this motion.

4 PLEASE TAKE FURTHER NOTICE that Compass Vision requests oral argument; and
5 PLEASE TAKE FURTHER NOTICE that at the time and place aforesaid, Compass
6 Vision will request that the proposed form of Order submitted herewith be entered by the Court.

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8 Dated: July 16, 2007

GORDON & REES LLP

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10 By: /s/ Catherine A. Salah

11 DION N. COMINOS
12 CATHERINE A. SALAH
13 Attorneys for Defendant
14 COMPASS VISION, INC.
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